



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,049	01/18/2001	Gavin Brebner	B-4084 618514-1	7680
22879	7590	07/05/2006	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			DIVECHA, KAMAL B	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,049

Applicant(s)

BREBNER, GAVIN

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Claims 1-19 are pending in this application.

Applicant's arguments filed February 02, 2006 have been fully considered but they are not persuasive.

In response filed, applicant argues in substance that:

- a. Kurtzman does not disclose “generating in the user’s computer the code of a HTML page describing only said selected services and pushing said HTML page code into a web browser in the user’s computer for permitting direct access to the services selected” (remarks, page 2-3).

In response to argument [a]: Examiner disagrees in light of the following:

The limitation (as argued by the applicant) “generating in the user’s computer the code of a HTML page describing only said selected services and pushing said HTML page code into a web browser in the user’s computer for permitting direct access to the services selected” is simply interpreted as generating in any computer including a server, a HTML page (because a server can reasonably be interpreted as a user’s computer and further the specification fails to disclose generating any type of code) describing only said selected services and pushing the HTML page into web browser of the client computer for permitting access to the services selected.

Art Unit: 2151

Kurtzman teaches: column 3 lines 40-67

“The website server controls a website corpus 230, made up of numerous website files. The website server 110 uses a working memory 240 and an application memory 242. The application memory 242 contains the instructions 246 to use the affinity server 100.

The website server receives instructions from the user through the WWW 220. The user 200 instructs the website server 110 to access the website corpus 230 and retrieve and transmit specific website files. The content stream to be analyzed includes the specific files selected and viewed by the user.

Fig. 3 shows one example of how the content stream is directed. After receiving instructions, the website server 110 uses instructions to send the files through the protocol stack and network hardware to the user. Preferably at the same time, the website server also sends files through the socket to the affinity server, where content stream analysis is performed.

Fig. 4 shows how a page may be dynamically generated using content stream analysis. The user views a current page, which contains links to other pages. When the user decides to follow a link leading to another page, the website server retrieves the new page and sends it to the affinity server. The affinity server then selects an advertisement. This advertisement is sent back to the web site server, where it is associated with the new page and sent to the user, where the advertisement and the new page comprises a dynamically generated page”.

It is fairly clear that Kurtzman expressly teaches that the web site server generates the specific HTML page, i.e. specific and/or only selected HTML file based upon the user's request, which would obviously include the services selected by the user.

Applicant tends to interpret the process (col. 3 L64-66), which is an additional step only after the user has viewed the requested file and is conducted only based on the users request (please see the above passage).

Applicant admitted that the Kurtzman relates to associating in the server 110 an advertisement and a new page requested by the user, prior to sending the page to the user 200 (col. 3 lines 64-66: "this advertisement is sent back to the website server 110, where it is associated with the new page 420, and sent to the user 200").

That is, Kurtzman teaches the process of associating an advertisement and a new HTML page requested by the user (i.e. user selected services) at the server (i.e. a user's computer) and pushing or sending this HTML page into the web browser of the client's PC for permitting access to the services selected.

As disclosed by Kurtzman, the process of associating advertisement and a new page is conducted after user has viewed a current page and further decides to follow a link leading to another page (i.e. user is interested in viewing the information as indicated by the link), the server then generates the HTML page with the advertisement in which the user has the interest and sends it to the browser for viewing. Note that the link can be the advertisement that was associated with the page.

Please note, based on broadest reasonable interpretation, any computer that is connected directly or indirectly to the user or client operating a browser can be interpreted as user's computer.

Therefore, Kurtzman does indeed teach and suggest sending to the user a HTML page describing only said selected services and generating in the user's computer the code of a HTML page describing only said selected services and pushing said HTML page code into a web browser in the user's computer for permitting direct access to the services selected

As such, the Rejection is maintained.

Detailed Action

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3,5,7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II.

As per independent claim 1, Newman teaches process for personalized access to information available on the Internet network, comprising the steps of:

creating at least one profile file containing private data owned by the user, and/or data regarding the technical specifications of the user's computer(page 2, lines 28-29);

in order to receive an offer file comprising matching rules for matching services accessible via the internet to said at least one profile(page 10, lines 7-14);

applying the matching rules in the offer file to the profile file in order to select one or more services from the offer file(page 5, lines 28-31 and page 6, lines 1-3);

However Newman does not teach explicitly teach repeatedly polling a service provider and generating in the user's computer (interpreted as any computer) the code of a HTML page describing only said selected services (interpreted as HTML page) and pushing said HTML page

Art Unit: 2151

code into a web browser in the user's computer for permitting direct access to the services selected.

Ball teaches repeatedly polling a service provider(col.5,lines 64-67 and col.6,lines1-23)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Newman to add repeatedly polling a service provider as taught by Ball in order to keep track of changes in a document repository in an efficient manner (Ball, col.2,lines 14-15).

One ordinary skilled in the art would have been motivated to combine Newman and Ball to provide a process for the user to be informed of changes on webpages(Ball, col.2, lines 14-55).

Kurtzman, II teaches generating in the user's computer the code of a HTML page describing only said selected services and pushing said HTML page code into a web browser in the user's computer for permitting direct access to the services selected(col.3, lines 44-50).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the system of Newman in view of Ball to only generate in the user's computer an webpage for a selected service as taught by Kurtzman, II in order to provide the user with specific files to be viewed(Kurtzman, col.3, lines 48-50).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Newman, Ball, and Kurtzman, II in order to provide a system to select an advertisement to be shown to a user based on certain contents(Kurtzman, II, col.1, lines 5-10).

As per claim 2, process according to claim 1 further comprising creating and updating a local file containing the selected services(Ball, Fig.6,col.6,29-32). Motivation to combine set forth in claim 1.

As per claim 3, process according to claim 2 wherein the polling is executed after a predetermined period(Ball, col.5,lines 64-67 and col.6,lines 1-23), and when the user requests the establishment of an Internet connection(Newman, page 5, it is inherent that there is an establishment of an Internet connection because the user is receive web pages).Motivation to combine set forth in claim 1.

As per claim 5, process according to claim 1 wherein said at least one profile file comprises private data regarding the user and technical data relating to the user's computer(Newman, page10, lines 11-14,31 and page 11, lines 1-3; it is inherent that there is technical data relating to the user's computer because advertisements are being sent to inform the users for upgrades).

As per claim 7, process according to claim 1 wherein it is used for achieving an electronic business application(Newman, page 1, lines 30-31).

As per claim 8, computer program product comprising computer program code stored on a computer readable storage medium for, when executed on a computer, performing all the steps of claim 1(Newman, page 2-28).

Claim 9 is of the same scope as claim 1. Claim 1 recites a method while claim 9 recites an apparatus, therefore is rejected based on the same rationale (see claim 1 rejection).

Claim 10 is of the same scope as claim 2. Claim 2 recites a method while claim 10 recites an apparatus, therefore is rejected based on the same rationale (see claim 2 rejection).

Claim 11 is of the same scope as claim 3. Claim 3 recites a method while claim 11 recites an apparatus, therefore is rejected based on the same rationale (see claim 3 rejection).

Art Unit: 2151

As per claim 12, process according to claim 1 wherein the HTML page is generated at the user's computer in response to the occurrence of predetermined conditions(Newman, page 6, lines 14-17).

As per claim 13, apparatus according to claim 9, wherein the means for generating the HTML page resides on the user's computer and wherein the HTML page is generated in response to the occurrence of predetermined conditions(Newman, page 6, lines 14-17).

2. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II in further view of US Patent 5,710,884 issued to Dedrick.

Newman in view of Ball in further view of Kurtzman, II teaches all the limitations of claim 1, however does not teach as per claim 4, process according to claim 1 wherein said profile file is encrypted into said local user machine.

Dedrick teaches wherein said profile file is encrypted into said local user machine(col.6,lines 22-27).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Newman in view of Ball in further view of Kurtzman, II to add wherein said profile file is encrypted into said local user machine as taught by Dedrick in order to protect the user profile from anyone other than the individual who is associated with the information (Dedrick, col.6,lines 24-25).

Art Unit: 2151

One ordinary skilled in the art would have been motivated to combine Newman, Ball, Kurtzman, II and Dedrick to provide a process to protect information(Dedrick, col.6, lines 24-25).

3. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II in further view of US Patent 6,035,339 issued to Agraharam et al. (Agraharam).

Newman in view of Ball in further view of Kurtzman, II teaches all the limitations of claim 1 however does not teach as per claim 6, process according to claim 1 wherein said at least one profile comprises technical data that is automatically collected by means of an analysis software program.

Agraharam teaches wherein said at least one profile comprises technical data that is automatically collected by means of an analysis software program(col.4,lines 14-17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Newman in view of Ball in further view of Kurtzman, II to add wherein said at least one profile comprises technical data that is automatically collected by means of an analysis software program as taught by Agraharam in order to more conveniently determine the user terminal capabilities(Agraharam, col.1,lines31-35).

One ordinary skilled in the art would have been motivated to combine Newman, Ball, Kurtzman, II, Agraharam to provide a process which automatically determines end-user information(Agraharam, col.1, lines 38-40).

Art Unit: 2151

4. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II in further view of US Patent 6,330,569 issued to Baisley et al.(Baisley).

Newman in view of Ball in further view of Kurtzman, II teaches all the limitations of claim 1, however does not teach as per claim 14, process according to claim 1 wherein the at least one profile file is a XML file stored on the user's computer, and as per claim 15, process according to claim 14 wherein the offer file is an XML file repeatedly downloaded from the service provider and stored on the user's computer.

Baisley teaches at least one profile file is a XML file stored on the user's computer and wherein the offer file is an XML file repeatedly downloaded from the service provider and stored on the user's computer(Abstract).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the process as taught by Newman in view of Ball in further view of Kurtzman, II to add at least one profile file is a XML file stored on the user's computer and wherein the offer file is an XML file repeatedly downloaded from the service provider and stored on the user's computer as taught by Baisley in order to provide updates(Baisley, col.2, line54-67).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Newman, Ball, Kurtzman, II and Baisley in order to provide a process where the user can update software on their computers(Baisley, col.2, lines 54-67).

Claim 16 is rejected for the same reason as claim 14(see above).

Art Unit: 2151

Claim 17 is rejected for the same reason as claim 15(see above).

5. Claims 18,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et al(Ball) in further view of US Patent 6,044,376 issued to Kurtzman, II in further view of US Patent 6,317,722 issued to Jacobi et al.(Jacobi).

Newman in view of Ball in further view of Kurtzman, II teaches all the limitations of claims 1, and 9, however does not explicitly teach as per claim 18, 19, process according to claim 1, further comprising: assigning user-defined weightings to the data in the profile file to indicate specified fields that are regarded as being of particular significance; and taking said weightings into account when applying the matching rules in the offer file to the profile file in order to select one or more services from the offer file.

Jacobi teaches assigning user-defined weightings to the data in the profile file to indicate specified fields that are regarded as being of particular significance; and taking said weightings into account when applying the matching rules in the offer file to the profile file in order to select one or more services from the offer file(Fig.1, col.11, lines 27-61).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Newman in view of Ball in further view of Kurtzman, II to assign a value to particular area of interest and to receive services based on the ranking as taught by Jacobi in order to receive other information of area of interest(Jacobi, col.11, lines 27-61).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Newman, Ball, Kurtzman, II and Jacobi in order to provide a system to

Art Unit: 2151

recommend products or items to and individual users in an e-commerce system(Jacobi, col.1, lines 5-10).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

US Patent 6,047,327 issued to Tso et al.

US Publication 2004/0172331 issued to Merriman et al.

US Patent 6,098,065 issued to Skillen et al

US Patent 6,460,036 issued to Herz

US Patent 6,750,880 issued to Freiburger et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2151

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kamal Divecha
Art Unit 2151
June 14, 2006.

Khank Dinh
Primary Examiner